IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 33/2004

MUKESH HARIJAN Vs. THE STATE OF RAJASTHAN

Date: 04.01.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the accused-petitioner.
Mr. Jainendra Jain, Public Prosecutor for the State.

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This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred against the impugned judgment dated 18.08.2003 passed by the Additional Civil Judge (Jr.Div.) & Judicial Magistrate No.3, Ajmer in Criminal Case No. 489/03- State Vs. Mukesh & Ors., whereby the accused-petitioner has been convicted for the offence under Section 454 IPC and sentenced to undergo two years simple imprisonment and a fine of Rs. 100/-, in default of payment to fine to further undergo five days simple imprisonment and for the offence under Section 380 IPC sentenced to undergo one year's simple imprisonment and a fine of Rs. 100/-, in default of payment of fine to further undergo five days simple imprisonment.

Against the said judgment dated 18.08.2003, the petitioner preferred criminal appeal No. 191/2003 and the appellate Court i.e. District & Sessions Judge, Ajmer vide its judgment dated 11.11.2003 while upholding the judgment of the trial Court dated 18.08.2003, confirmed the conviction order but released the accused-petitioner on already undergone by giving the benefit of probation under the Probation of Offenders Act.

I have considered the submissions made by the learned counsel for the accused-petitioner, learned Public Prosecutor for the State and carefully perused the judgment passed by the trial Court as well as by the appellate Court. I have also gone through the material available on record.

The appellate Court has thoroughly examined the judgment passed by the trial Court and uphold the conviction of the accused-petitioner but extended the benefit of probation under the Probation of Offenders Act for releasing the accused-petitioner on already undergone.

I find no illegality or error apparent on the face of the record in the impugned judgment dated 11.11.2003 passed by the appellate Court and also do not find any merit in the revision petition.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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